

Notice of Allowability

Application No.

10/674,829

Examiner

Trung Q Nguyen

Applicant(s)

LOPES ET AL.

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 12/10/2004.
2. ☒ The allowed claim(s) is/are 17-21.
3. ☒ The drawings filed on 30 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0104
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1204
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**LUANTHAI
PRIMARY EXAMINER**

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles A. Brill on December 10, 2004. The application has been amended as follows:

Please cancel claim 16.

Note: Applicant elected species of Figure 7, claims 17-21 without traverse in paper No. 0904 is acknowledged, because applicant elected without traverse, therefore, claims 1-16 are cancelled.

Allowable Subject Matter

2. Claims 17-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: claim 17 recites, inter alia, "A micromirror for selectively modulating said beam of light, wherein micromirror mounted on said light bath in a package with a transparent window and a carrier assembly holding at least one environmental control material."

Art Unit: 2829

The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations. Although Hegg et al. (U.S. 5,640,479) disclose a Fiber-optic face late stop for digital micromirror device projection system and Sampsell (U.S. 5,517,347) discloses a direct view deformable mirror device, they do not disclose the above-mentioned limitations.

Conclusion

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trung Nguyen whose telephone number is **(571) 272-1966**. The examiner can normally be reached on Monday through Friday, 8:30AM – 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **MICHAEL TOKAR** can be reached at **(571) 272-1812**.

Trung Nguyen
Patent Examiner
Group Art Unit 2829
December 13, 2004

Luan Thai
LUANTHAI
PRIMARY EXAMINER